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October 27, 2003

Henry J. Sokolowski, P.E., Chief
Enforcement and Federal Facilities Branch
United States Environmental Protection
Agency Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: Lower Darby Creek Area Superfund Site -
Folcroft Landfill and Folcroft Landfill Annex
Delaware County, Pennsylvania

Dear Mr. Sokolowski:

This letter responds to your letter dated October 8, 2003, following up on your letter dated June 7, 2002, summarizing available evidence, and urging the Hospital of the University of Pennsylvania (the "Hospital") to participate or cooperate with the Steering Committee that has been formed to negotiate with the United States Environmental Protection Agency ("EPA") regarding response actions at the above-referenced site (the "Site").

The Hospital believes that your October 8 letter mischaracterizes the June 7 letter. The June 7 letter merely stated that the Hospital may be a potentially responsible party ("PRP") and may be asked to perform or pay for potential response activities at the Site, recommended the selection of a PRP Steering Committee, and encouraged the Hospital to contact EPA. The June 7 letter fell short of actually identifying the Hospital as a PRP and required no action. (The Hospital also notes that the October 8 letter requires no action.) The Hospital does not wish to belabor the point, but we need to make clear that the Hospital has not been uncooperative or recalcitrant. The Hospital has always taken its environmental obligations seriously, and intends to continue to do so now and in the future.

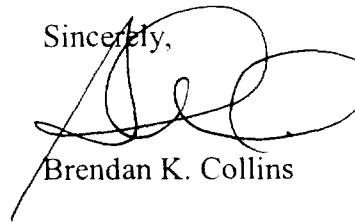
The Hospital disagrees with the suggestion in both the June 7 and October 8 letters that it may be liable as a person who arranged for the disposal of hazardous substances at the Site. In fact, there is nothing in either of those letters (or their enclosures) to suggest that the Hospital arranged for the disposal of "hazardous substances." Rather, at best there is evidence that the Hospital may have arranged for the disposal of human and animal remains and

innocuous inert material, such as plastic bags and bandages. To the extent that these materials contained "hazardous substances," they contained no more than ordinary municipal waste, and perhaps less, as the evidence suggests that this waste, unlike ordinary municipal waste, was carefully packaged and segregated. The Hospital notes that the Steering Committee is comprised almost entirely of PRPs who may have arranged for the disposal of industrial waste.

The Hospital is investigating its potential liability and is entering into discussions with the Steering Committee to determine how best to proceed. The Hospital anticipates, however, that these investigations and discussions will confirm what the Hospital already suspects to be the case, namely, that the waste of which the Hospital allegedly disposed will prove sufficiently different in character from the waste that other members of the Steering Committee may have disposed as to make joining the Steering Committee both impracticable and unreasonable.

The Hospital will keep EPA apprised as its investigations and discussions proceed. In the meantime, if you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brendan K. Collins', written over the printed name.

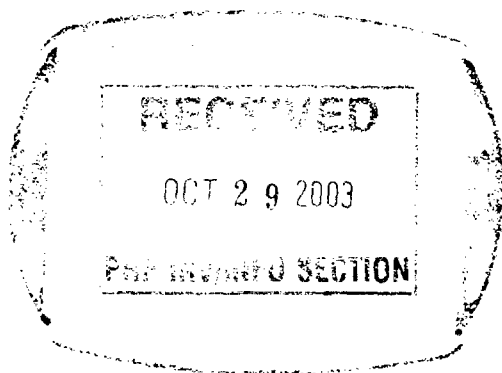
Brendan K. Collins

BKC/G

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